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Washington, Friday, October 6, 1939

The President

EXECUTIVE ORDER

EXEMPTING CERTAIN POSITIONS FROM SALARY CLASSIFICATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered that there be exempted from the operation of Executive Order No. 6746 of June 21, 1934, the positions of consultants, experts, specialists, attorneys, and other similar positions, the incumbents of which are intermittently employed on a per diem basis or employed on an annual basis at amounts representing the value of part-time service required, and who are or have been paid from the public works fund or other emergency funds administered by the Secretary of the Interior, available during the fiscal years 1940 and 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 4, 1939.

[No. 8266]

[F. R. Doc. 39-3680; Filed, October 5, 1939; 11:08 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

COMMODITY CREDIT CORPORATION

[1938-39 Corn Circular Letter No. 4]

PART 205—1938 CORN LOANS
(205.13a)

PART 206—1938-39 CORN LOANS
(206.19)

1. Commodity Credit Corporation has authorized the acceptance of extension or renewal loan documents secured by ear corn produced in 1937, and previous instructions relating to the extension or renewal of corn loans are hereby amended accordingly.

2. Section 8 of 1938 and 1938-39 Corn Circular Letters Nos. 4 and 3 is hereby deleted. Producers may obtain an extension or renewal of corn loans without payment of the fees required under Section 8 of said Circular Letters. In completing the extension or renewal loan documents, Section 5 of 1938-39 C.C.C. Corn Forms A-2 and A-4 and Section 7 of 1938-39 C.C.C. Corn Form A-5 should be deleted.

3. Producers desiring to obtain an extension or renewal of loans secured by farm stored corn in the state of Illinois must execute new notes and mortgages on 1938-39 C.C.C. Corn Forms A-3 and A-4. Extension agreements (1938-39 C.C.C. Corn Form 2) will not be acceptable for farm stored corn in Illinois.

4. Since the 1938 and 1938-39 corn loan programs are now being handled as one program, all Circular Letters hereafter issued will be designated "1938-39 Corn Circular Letters" and the instructions contained therein shall apply to both loan programs.

[SEAL] JOHN D. GOODLOE,
Vice President.

[F. R. Doc. 39-3677; Filed, October 5, 1939; 10:35 a. m.]

[1939 C.C.C. Rye Form 1—Instructions]

PART 209—1939 RYE LOANS

Sec.

§ 209.1 *Definitions.* For the purpose of this part and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association or corporation producing rye as landowner, landlord, or tenant upon whose farm the 1939 total

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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soil-depleting acreages does not exceed the total soil-depleting acreage allotment for the farm under the 1939 Agricultural Conservation Program.

(b) *Eligible rye.* Rye grading No. 2 or better or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, produced in 1939, beneficial title to which is and always has been in the eligible producer. Rye grading tough, ergoty, light smutty, smutty, light garlicky, or garlicky shall not be eligible for a loan.

(c) *Eligible storage.* Shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the rye for a period of two (2) years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committees.

§ 209.2 *Areas.* Loans will be made on eligible rye stored on farms in the states of Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

§ 209.3 *Amount of loans.* The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, shall be twenty-two (22) cents per bushel less than the applicable farm storage loan value for No. 2 Hard Winter wheat (under the 1939 wheat loan program of Commodity Credit Corporation) or thirty-eight (38) cents per bushel, whichever is lower.

§ 209.4 *Maturity and interest rate.* All loans upon the security of rye will be made directly by Commodity Credit Corporation and the notes evidencing such loans will be payable on demand or in any event not later than April 30, 1940. All loans will bear interest at the rate of four (4) per cent per annum. Notes evidencing such loans must be dated on or before December 31, 1939.

§ 209.5 *Farm storage.* Rye stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture, the state and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading and sealing the rye collateral in approved structures. Chattel mortgages covering farm-stored rye must be executed and filed in accordance with the applicable state law. The chattel mortgage requirements of the various states are set forth in Section 12 of the wheat loan instructions (1939 CCC Wheat Form 1). Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer, and the rye collateral is stored on the farm, the expiration date of the lease shall be given in Section 2 (c) of the chattel mortgage (1939 CCC Rye Form A–1). If the expiration date of the lease is prior to July 1, 1940, the landlord shall execute the Consent for Storage, Section 13 of 1939 CCC Rye Form A–1. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in Section 4 of the mortgage (1939 CCC Rye Form A–1) a shipping point reasonably convenient for the delivery of the rye as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the rye was produced. A separate note and chattel mortgage must be submitted for rye stored on each quarter section of land. Commodity Credit Corporation will pay seven (7) cents per bushel for storing the rye for the period ending July 1, 1940, or the date of the delivery of such rye to Commodity Credit Corporation, whichever is earlier; provided, such delivery is made upon the demand or with the consent of Commodity Credit Corporation; provided further, such payment will be conditioned upon the delivery of the mortgaged rye of the quantity described in the chattel mortgage grading No. 2 or better or No. 3, provided the mortgaged rye originally graded No. 3 on test weight only.

§ 209.6 *Liens.* The rye collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1939 CCC Rye Form A–1 or Form AB. The names of the holders of all existing liens on the pledged or mortgaged rye, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the mortgage of the rye and the payment of the proceeds of the loan and the proceeds of the sale of the rye solely to the producer as contained in the mortgage must be signed personally by all lienholders listed or by their agents, whose duly executed authority must be securely attached. Whenever such waiver and consent, etc., is executed for a corporation by a designated officer thereof customarily authorized to execute such instruments, the duly executed authority need not be attached. (In lieu of signing the section of the chattel mortgage entitled "List of Lienholders and Their Waivers and Consent to Pledge", lienholders may sign 1939 CCC Rye Form AB, which must completely identify the related note.) The producer may direct in the Letter of Transmittal (1939 CCC Rye Form B) that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Pro-

ducers should read carefully all real estate or other mortgages previously given by them in order to be sure that crops are not covered thereby. Any fraudulent misrepresentation of fact made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.

§ 209.7 *Insurance.* In lieu of primary and secondary insurance, the producer will authorize Commodity Credit Corporation to deduct from the proceeds of the loan one-fifth of one (⅕ of 1) cent per bushel for the rye sealed as collateral to the loan. Such funds are to protect Commodity Credit Corporation against loss or impairment of the rye collateral from fire, lightning, cyclone, tornado, windstorm, inherent explosion, flood, hail and theft. The obligations of the producer in connection with such protection are set forth in the chattel mortgage.

§ 209.8 *County agricultural conservation committees.* Forms will be obtainable from county agricultural conservation committees in the above-named states or from any Loan Agency of the Reconstruction Finance Corporation hereafter listed. The chattel mortgage contains a certificate which must be signed in each instance by a member of the county committee of the county in which the rye is stored. Pursuant to instructions issued by the Secretary of Agriculture, the state and county committees will determine or cause to be determined, the quantity and grade of the rye collateral and the amount of the loan.

§ 209.9 *Reconstruction Finance Corporation Loan Agencies.* The following Loan Agencies of Reconstruction Finance Corporation will handle loans for Commodity Credit Corporation in the areas assigned to each Loan Agency:

Loan Agency	*States Served*
Helena	Montana;
Minneapolis	Michigan, Minnesota, North Dakota, South Dakota and Wisconsin;
Omaha	Nebraska and Wyoming.

§ 209.10 *Release of collateral.* The producer may obtain the return of notes secured by rye at any time prior to maturity upon the payment of the principal amount due thereon, plus accrued interest. In the case of such repayment, no allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the Loan Agency of the Reconstruction Finance Corporation holding the paper. Partial releases will be made, provided all the rye in any one bin is released. In such cases, the producers must identify to the Loan Agency of the Reconstruction Finance Corporation the seal number of the bin to be released. Such releases will be made upon payment of the amount loaned on the particular bin of rye, plus interest.

[SEAL] M. R. BUCK,
Secretary.

[F. R. Doc. 39-3676; Filed, October 5, 1939; 10:35 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

OCTOBER 5, 1939.

To A. E. ROOKS and F. R. ROOKS,
Doing business as Albuquerque Livestock Commission Company, Albuquerque, N. M.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Albuquerque Livestock Commission Company, at Albuquerque, State of New Mexico, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Assistant Secretary of Agriculture.

[F. R. Doc. 39-3687; Filed, October 5, 1939; 12:47 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2273]

IN THE MATTER OF PEANUT SPECIALTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, dealers with assortments of candy or any other merchandise, together with push or pull cards, punchboards or other lottery devices, or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Packing or assembling, in connection with offer, etc., in commerce, of candy or any other merchandise, in the same package or assortment of candy for sale to the general public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any other merchandise by use of push or pull cards, punchboards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF PEANUT SPECIALTY COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of facts set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the Federal Trade Commission Act;

[1] Modifies list posted stockyards 9 CFR 204.1.

It is ordered, That the respondent, Peanut Specialty Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of dealers assortments of candy or any other merchandise together with push or pull cards, punchboards or other lottery devices, or separately, which said push or pull cards, punchboards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public;

(3) Packing or assembling in the same package or assortment of candy for sale to the general public at retail pieces of candy of uniform size and shape having centers of a different color together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color;

(4) Selling or otherwise disposing of candy or any other merchandise by use of push or pull cards, punchboards or other lottery devices.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3685; Filed, October 5, 1939; 12:46 p. m.]

[Docket No. 3460]

IN THE MATTER OF NATIONAL INSTITUTE FOR PHYSICAL ADVANCEMENT

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* Representing, in connection with offer, etc., in commerce, of respondent's physical culture book, "Bust Culture", or other similar book, that by following the method outlined in respondent's book any woman can obtain a beautiful bust, or that such method outlined therein will correct a flat chest or an overly large or sagging bust, or has helped millions of women, or any other exaggerated number in excess of the actual number of women who have tried and been helped by said method, or that it has been found effective in all cases, or that the proper method of correction of any problem concerning bustline and breasts will be found in said book, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Institute for Physical Advancement, Docket 3460, September 26, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF KARL W. PETERS, AN INDIVIDUAL, TRADING AS NATIONAL INSTITUTE FOR PHYSICAL ADVANCEMENT

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Karl W. Peters, individually, trading as National Institute For Physical Advancement, or trading under any other name, his agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a physical culture book, designated "Bust Culture", or any similar book, whether sold under that name or any other name or title, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That by following the method outlined in respondent's book any woman can obtain a beautiful bust;

2. That the method outlined in respondent's book will correct a flat chest or an overly large or sagging bust;

3. That the method outlined in respondent's book has helped millions of women or any other exaggerated number in excess of the actual number of women who have tried and been helped by said method; or that said method has been found effective in all cases:

4. That the proper method of correction of any problem concerning bustline and breasts will be found in respondent's book.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3686; Filed, October 5, 1939; 12:46 p. m.]

[1] 3 F.R. 2266 DI.

TITLE 31—MONEY AND FINANCE: TREASURY

OFFICE OF THE SECRETARY

[Dept. Circular 559 amended]

PART 11—RULES AND REGULATIONS RELATING TO CUSTOMHOUSE BROKERS

Section 11.8 (b) (6) is hereby amended by inserting between the second and last sentences thereof the following:

"Each licensed customhouse broker shall advise the collector of customs at the headquarters port in each district in which his license is held, the Committee, and the Commissioner of Customs, of each change of his business address."

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3683; Filed, October 5, 1939; 11:35 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS

§ 203.482 *Choctawhatchee River, Fla.; bridge (highway) near Freeport, Fla.*[1]

In accordance with the provisions of Section 5 of the River and Harbor Act approved August 18, 1894, the following special regulations are prescribed to govern the opening of the drawbridge of the State Road Department of Florida across the Choctawhatchee River on State Road #10 approximately fourteen miles east of Freeport, Florida:

[1] These regulations are supplementary to Title 33, Chapter II, Part 203, Code of Federal Regulations.

(a) The owner or agency controlling the bridge will not be required to keep a tender in constant attendance at the aforementioned bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw span, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once every 4 months to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after October 1, 1939, and are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries". (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs., Sept. 22, 1939 (E. D. 6371 (Fla.—Choctawhatchee R.—Freeport)–19)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39–3673; Filed, October 5, 1939; 9:54 a. m.]

TITLE 35—PANAMA CANAL

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

AMENDMENT OF SECTION 4.20 AND ADDITION OF SECTIONS 4.20A, 4.21A, 4.30A, AND 4.30B

1. Section 4.20 of Title 35, Code of Federal Regulations, is amended to read as follows:

"§ 4.20 *Papers required by boarding party, list of.* All documents listed below as being required of a ship should be ready for immediate delivery to the boarding party:

Documents required	For ships which transit Canal but do not take on or discharge passengers or cargo at Canal ports	For ships taking on or discharging passengers or cargo at Canal ports
(a) Ship's information sheet (Panama Canal form)	1	1
(b) Clearance from last port	[1] 1	[1] 1
(c) Bills of health (U. S. Consular bill issued at port of departure and at each port of call en route, as provided in Regulation 106.2)	[2] 1	[2] 1
(d) Quarantine declaration (International Standard form)	3	3
(e) All other certificates of a sanitary nature	[1] 1	[1] 1
(f) Passenger list (on Panama Canal form)	4	4
(g) Chinese descriptive list, passengers and crew	[2] 1	[2] 2
(h) Crew list	3	3
(i) Store list	[4] 1	1
(j) Cargo declaration (Panama Canal form)	1	[2] 1
(k) Manifest of local cargo	0	4
(l) Declaration of explosive cargo carried	[2] 1	[2] 1
(m) Declaration of inflammable or combustible liquids in bulk carried as cargo	[3] 1	[3] 1
(n) Statement of fuel account (for vessels in ballast only)	1	[5] 1
(o) Panama Canal tonnage certificate	1	[5] 1
(p) National register	[1] 1	[1] 1
(q) General arrangement plan of vessel	[6] 1	[1] 1
(r) Report of structural alterations and of changes in use of tanks or other spaces since last transit	1	[5] 1

[1] For examination only.
[2] One copy of each required bill.
[3] Not required unless such persons or cargo are carried.
[4] Required if ship during transit is laid up for repairs, regardless of whether passengers or cargo are taken on or discharged.
[5] Not required unless ship transits Canal.
[6] For taking up and subsequent return through agent or otherwise.

"NOTE.—In case a ship takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents to the number indicated in the second column are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents to the number indicated in the second column will be required at the first port and in addition documents (f), (g), (h), (i), and (k) to the number indicated in the second column will be required at the second port."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12.)

[Reg. Gov., Aug. 1, 1931, reg. 12.1; Sept. 4, 1935; June 13, 1931; Sept. 9, 1939.]

2. Section 4.20A of Title 35 is hereby added, reading as follows:

"§ 4.20A *Incoming passenger list.* The four copies of the incoming passenger list, required by Regulation 12.1, shall be accurate and legible and shall be delivered to the customs officer in the boarding party. In the event that any passengers destined to local ports fail to disembark, or that passengers in transit do disembark at local ports, notice thereof shall be given promptly to the chief of customs and the quarantine officer at the port, and four copies of a supplementary passenger list showing the names of such passengers shall be furnished promptly to the chief of customs."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 12.2, Sept. 9, 1939]

3. Section 4.21A of Title 35 is hereby added, reading as follows:

"§ 4.21A *Outgoing passenger list.* Four accurate and legible copies of the outgoing passenger list must be furnished to the chief of customs before clearance will be issued. Four copies of a supplementary passenger list shall be furnished for passengers embarking at the second Canal port after a vessel has sailed from the other port. Notice shall be given promptly to the chief of customs of any outgoing passengers who fail to depart on the vessel, and a list of such passengers shall be furnished in quadruplicate. In the event the failure of a passenger or passengers to depart on the vessel is not discovered until the vessel has left port the notice provided for herein shall be given by radio if possible, and if it is impossible to give such notice by radio then it shall be given by mail from the first port of call."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 13)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 13.1; Sept. 9, 1939]

4. Section 4.30A of Title 35 is hereby added, reading as follows:

"§ 4.30A *Discharge, or signing on, of crew members.* As to members of the crew of vessels of United States registry, see Regulation 152.2. No member of the crew of any vessel, other than a vessel of United States registry, shall be discharged in the Canal Zone without the consent of the quarantine officer at the port. Before such consent is given the quarantine officer shall be furnished a memorandum in triplicate showing the name, age, nationality, and rating of the crew member discharged. When crew members are signed on a vessel, other than a vessel of United States registry, at a Canal Zone port, a similar memorandum in triplicate shall be furnished to the chief of customs at the port, at the time when request is made for a bill of health."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 32)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 32.1; Sept. 9, 1939]

5. Section 4.30B of Title 35 is hereby added, reading as follows:

"§ 4.30B *Members of crew failing to depart from Canal Zone.* Masters of vessels departing from the Canal Zone shall promptly report to the quarantine officer at the port any member of the crew who fails to depart on the vessel and who was not discharged in accordance with Regulation 32.1. In cases where a vessel has left port when the absence of a member of the crew is discovered the report shall be made by radio if possible, or, if it is not possible to make such report by radio, then it shall be made by mail from the first port of call. The making of the report required hereby shall not relieve the master of a

vessel of United States registry of the duty to make the report required by Regulation 152.7."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 32)

[Reg. Gov., Aug. 1, 1931; Sept. 9, 1939, reg. 32.2]

PART 24—SANITATION, HEALTH, AND QUARANTINE

AMENDMENT OF SECTION 24.45 AND ADDITION OF SECTION 24.45A

6. Section 24.45 of Title 35 is amended to read as follows:

"§ 24.45 *Assemblage of passengers and crew for inspection.* The master at the time his vessel is boarded shall be prepared to assemble the passengers and crew for immediate inspection by the quarantine officer in case such inspection should be required."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 106)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 106.1; Sept. 9, 1939]

7. Section 24.45A of Title 35 is hereby added, reading as follows:

"§ 24.45A *Bills of health.* (a) Masters of vessels arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, shall deliver to the quarantine officer of The Panama Canal at the port of entry a bill of health, in the form prescribed by the Secretary of the Treasury for vessels clearing from a foreign port for a port of the United States, issued by the Consul, Vice Consul, or other consular officer of the United States, or by the medical officer where such officer has been detailed by the President for that purpose, at the port of departure and at each subsequent port of call before arrival at the Canal Zone; *Provided,* That no such bill of health will be required from a port in the United States, but masters of vessels clearing from ports of the United States for ports of the Canal Zone, for the ports of Panama or Colon, Republic of Panama, or for passing through the Panama Canal, must obtain a port sanitary statement signed by the officer authorized under the laws of the United States to issue such statements, and must present such statement to the quarantine officer of The Panama Canal at the port of entry.

"(b) The term 'port of departure' as used in this section shall be the first port from which a vessel clears or departs on a voyage to the Canal Zone and the term 'port of call' as used in this section shall be any port subsequent to the port of departure at which the vessel officially entered or in any other manner had direct contact with the shore.

"(c) A vessel which enters and clears from the Canal Zone, or the ports of Panama or Colon, Republic of Panama, and then returns to the Canal Zone, or to the ports of Panama or Colon, within thirty days after clearing therefrom, shall be required to present an American bill of health (or other document prescribed in paragraph (a) of this section) from each port visited from the time of leaving the Canal Zone to the time of returning thereto, but if any port is visited more than once within said thirty days, only one Consular bill of health will be required from that particular port; provided, that in such cases the Consular bill of health shall cover the last time the vessel touched at that particular port.

"(d) A vessel which enters and clears from the Canal Zone, or the ports of Panama or Colon, Republic of Panama, and then returns to the Canal Zone or to the ports of Panama or Colon after thirty days have elapsed, shall be required to present an American bill of health (or other document prescribed in paragraph (a) of this section) from a port at which the vessel called not less than thirty days previous to its intended arrival at the Canal Zone and from all subsequent ports of call; *Provided,* That if such vessel, at any port at which it calls more than thirty days previous to the vessel's intended arrival at the Canal Zone, takes cargo or passengers destined for the ports of the Canal Zone, the ports of Panama or Colon, or for passage through the Canal, that port shall be considered the port of departure and the vessel shall present a bill of health (or other document prescribed in paragraph (a) of this section) from that port and from all subsequent ports of call.

"(e) In the case of a vessel touching at a port where there is no Consul or consular agent of the United States, a bill of health issued by the Consul or consular agent of a friendly government at such port, authorized to issue bills of health to vessels departing for ports of the United States, will be accepted, on entry into a port of the Canal Zone, in lieu of an American bill of health. Where there is no Consul or consular agent of the United States or of a friendly government, a bill of health issued by the health officer of the port concerned or a certificate from the captain of that port as to sanitary and health conditions thereof shall be obtained and submitted to the Canal authorities.

"(f) Any vessel arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, without the bills of health required by this section, shall be subject to such quarantine measures as may be determined necessary by the Canal authorities, and may be subjected to such delay as may be necessary to determine to the satisfaction of the Canal authorities the sanitary status of the vessel and of the ports of departure and of call. Any expense incident to the failure to submit bills of health as provided herein shall be charged to the vessel."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12, 106)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 106.2; Sept. 9, 1939]

8. The regulations amended and added, as aforesaid, shall be effective as to all vessels arriving in the Canal Zone on or after November 15, 1939.

Supplement No. 14[1] (to Rules and Regulations Governing Navigation of the Panama Canal and Adjacent Waters), dated June 13, 1939, will be superseded by the revised provisions contained herein as of November 15, 1939, and the instructions contained in a circular letter dated July 10, 1939, construing the provisions of Regulation 106.2, will likewise be superseded by the provisions contained herein as of November 15, 1939.

C. S. RIDLEY,
Governor.

OCTOBER 3, 1939.

[F. R. Doc. 39-3678; Filed, October 5, 1939; 10:44 a. m.]

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SMALL ARMS, AMMUNITION, EXPLOSIVES AND RELATED PRODUCTS INDUSTRIES

These matters are before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of the Act by Administrative Order dated October 6, 1936, held hearings on May 3, 1938 in the matter of the determination of the prevailing minimum wages in the Ammunition and Related Products Industry and in the Explosives Industry.

Notices of these hearings were sent to all known members of the industries mentioned, to trade unions, to trade publications, and to trade associations in the field. Invitations to attend the hearings were extended through the national press to all other interested parties.

Appearances were entered and testimony given at the hearing on ammunition and related products by members of the industry, by the Small Arms and Ammunition Manufacturers' Institute, and the Institute of Makers of Explosives; more than 75 per cent. of the industry by volume was represented at the hearing.

At the hearing on Explosives, appearances were entered and testimony was given by members of the industry and by the Institute of Makers of Explosives. Between 80 and 90 per cent., by volume, of the industry as defined was represented at the hearing.

Surveys of the Ammunition and Related Products Industry and of the Ex-

[1] 4 F.R. 2914 DI.

plosives Industry made by the Bureau of Labor Statistics, Department of Labor, were presented in evidence.

On the basis of the evidence the Board made its recommendation. Thereafter, the Administrator, Division of Public Contracts, circularized the Board's recommendations and gave the parties a reasonable period of time in which to register their objections thereto or their approval thereof before any determination in the matter should be made.

The Board advises me and the evidence indicates that blasting and detonating caps are generally not manufactured in plants making small arms ammunition, and that the wage structure prevailing in the manufacture of blasting and detonating caps varies from that prevailing in the manufacture of small arms ammunition. Accordingly, the matter of the prevailing minimum wages in the manufacture of blasting and detonating caps will be treated separately from that of the prevailing minimum wage in the manufacture of small arms ammunition, even though in the notice of hearing and in the survey made by the Bureau of Labor Statistics, they were treated together.

The information included in the survey of the small arms ammunition industry was collected by actual visits of field representatives of the Bureau to each plant covered. The survey covered 12 plants in all, 1 plant each in California, Ohio, Illinois, Minnesota, New York, and New Jersey; 3 plants in Pennsylvania; and 3 plants in Connecticut. In all, 4,065 employees engaged in the manufacture of ammunition were covered. This figure does not include the 1,758 employes covered by the survey who were engaged in the manufacture of blasting and detonating caps. The Census of Manufactures, 1935, indicates that at that time there were 13 establishments in the industry employing a total of 5,599 wage earners, but the Census figures include those who were engaged in the manufacture of blasting and detonating caps. It appears that the data included in the wage survey give an adequate picture of the wage structure prevailing in the manufacture of small arms ammunition.

The survey indicates that 6.3 percent of the wage earners receive under 37.5 cents an hour; 9.3 percent receive 37.5 cents, and under 42.5 cents an hour; 19 percent receive 42.5 and under 47.5 cents an hour; 16 percent receives 47.5 and under 52.5 cents an hour. The Board recommended that the prevailing minimum wage be found to be 45 cents an hour.

Counsel for the Sporting Arms and Ammunition Manufacturers' Institute filed a brief objecting to the Board's recommendations. The brief sets forth that there was a slump in business in the summer of 1937, which resulted in the discharge of a number of employees in the lower-paid brackets, which condition was reflected in the statistics as taken in October 1937, and that the 45-cent wage is not in fact the prevailing wage that exists in the industry. The index of employment prepared by the Bureau of Labor Statistics in this and related industries shows that employment in October 1937 was only slightly lower than in September of that year, in which month employment was at its highest of any month since 1931.

The Board in reviewing the record in the light of objections received has advised me that it believes that some weight should be given to the concentration of wages in the 5-cent bracket below 42.5 cents and has accordingly recommended that the minimum be found to be 42.5 cents.

I have examined the findings and recommendations of the Board and the record of hearings, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of small arms ammunition to be 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

The Bureau of Labor Statistics' survey entitled Earnings and Hours in the Ammunition and Related Products Industry, October 1937, covered 1,758 wage earners engaged in the manufacture of blasting and detonating caps. When added to the 4,065 engaged in the manufacture of ammunition a total of 5,823 wage earners were included in the Bureau of Labor Statistics' survey. The Census of Manufactures, 1935, covered 5,599 wage earners engaged in the manufacture of ammunition, including blasting and detonating caps. It appears that the data included in this survey are adequate to show the wage structure prevailing in the manufacture of blasting and detonating caps.

This survey indicates that 18.9 per cent. of the wage earners engaged in the making of blasting and detonating caps receive wages in the wage interval of 47.5 to 52.5 cents an hour. Receiving wages below this interval are 10.6 percent of the wage earners, and 70.5 per cent. receive wages of 52.5 cents an hour or more.

Upon these facts, the Board recommended a minimum wage of 50 cents an hour for blasting and detonating caps.

Counsel for the Institute of Makers of Explosives objected to the Board's findings and recommendations for the reason that the period covered by the survey, October 1937, was allegedly not a normal month with respect to employees, and, secondly, that the finding and recommendation of the prevailing minimum wages has not resulted in findings and recommendations of the minimum which is prevailing in the industry.

In the light of the objections filed, the data in support of those objections, and upon review of the record, the Board is of the opinion that the prevailing minimum wage for the manufacture and supply of blasting and detonating caps, although within the interval of 47.5 to 52.5 cents, is 47.5 cents an hour. The Board advises me that in making this recommendation, it has recognized the downward pull exerted by the workers concentrated in the lower wage intervals.

I have examined the findings and recommendations of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of blasting and detonating caps to be 47.5 cents an hour or $19.00 per week of forty hours, arrived at either upon a time or piece rate basis.

The survey of earnings and hours in the Explosives Industry presented at the hearing covered employment in the industry during October 1937. The survey covered establishments in the industry employing 5 or more workers, and included 51 plants with a total employment of 3,814 wage earners. The Bureau of Census figures for 1935 shows that in that year there were 74 establishments in the industry with an average number of wage earners for the year of 4,570. The Bureau of Labor Statistics' survey covered 12 plants in Pennsylvania; 6 in Illinois; 4 in Washington; 3 each in California, Missouri, and Ohio; 2 each in Alabama, Arizona, Michigan, New Jersey, and Tennessee; and 1 each in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Utah, West Virginia, and Wisconsin. Of the 51 establishments covered by the survey, 32 plants employing 3,058 wage earners are classified in the dynamite branch, and 19 plants employing 756 wage earners are classified in the black powder branch of the industry. It would appear that the survey adequately shows the wage structure prevailing in the Explosives Industry.

The survey indicates that the unskilled employees in the industry constitute the minimum wage class. The average hourly earnings of unskilled wage earners covered by the survey are 62 cents an hour. The wages of the unskilled workers range from under 37.5 cents an hour to $1.075 and under $1.125, with the most significant concentration in the range between 57.5 and under 62.5 cents an hour where 20.6 per cent. of the unskilled employees are found. This is 3.6 per cent. more than are found in the next lower wage class, and 3.3 per cent. more than are found in the four lowest wage classes combined. The Board recommended a minimum wage of 60 cents an hour based upon the fact that there is no pronounced concentration of employees at any 5-cent interval below 57.5 cents an hour.

Counsel for the Institute of Makers of Explosives objected by brief to the Board's findings, setting forth the same objections referred to with respect to the Board's findings and recommendations of the prevailing minimum wage in the manufacture of blasting and detonating caps. With respect to the allegation that October of 1937 was not a normal month,

the index of employment shows that the index number for October 1937 is 91.8. This is only slightly lower than the 92.2 index number for September 1937, which was the highest reported for any month since 1931. Furthermore, the index number of payrolls in October 1937 is the highest reported for any month since 1931.

In the light of the objections filed, the data in support of those objections, and upon review of the record, the Board is of the opinion that the prevailing minimum wage for the manufacture and supply of explosives although within the interval of 57.5 to 62.5 cents an hour, is 57.5 cents an hour. The Board advises me that in making this recommendation it has recognized the downward pull exerted by the workers concentrated in the lower wage intervals.

I have examined the findings and recommendations of the Board and the record of hearing, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of explosives to be 57.5 cents an hour or $23.00 per week of forty hours, arrived at either upon a time or piece rate basis.

In the light of the foregoing I hereby determine:

(1) The prevailing minimum wage for persons employed in the manufacture and supply of ammunition and parts thereof for small arms, and such related products as saluting primers and aircraft engine starters, to be 42.5 cents an hour or $17.00 per week of forty hours, arrived at either upon a time or piece rate basis;

(2) The prevailing minimum wage for persons employed in the manufacture and supply of blasting and detonating caps to be 47.5 cents an hour or $19.00 per week of forty hours, arrived at either upon a time or piece rate basis;

(3) The prevailing minimum wage for persons employed in the manufacture and supply of explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitroglycerine, black blasting powder, pellet and fuse powder, and smokeless gun powder, to be 57.5 cents an hour or $23.00 per week of forty hours, arrived at either upon a time or piece rate basis.

This determination shall be effective and the minimum wages hereby established for the manufacture and supply of the commodities of the respective industries, shall apply to all contracts for such commodities with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids for which are solicited on or after October 19, 1939.

[SEAL] FRANCES PERKINS,
Secretary.

Dated, October 4, 1939.

[F. R. Doc. 39-3682; Filed, October 5, 1939; 11:32 a. m.]

Notices

DEPARTMENT OF STATE.

TRADE AGREEMENT NEGOTIATIONS WITH CHILE

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Chile.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

CORDELL HULL,
Secretary of State.

OCTOBER 2, 1939.

[F. R. Doc. 39-3674; Filed October 5, 1939; 9:55 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION.

TRADE AGREEMENT NEGOTIATIONS WITH CHILE

PUBLIC NOTICE

Closing date for submission of briefs, November 11, 1939; Closing date for application to be heard, November 11, 1939; Public hearings open, November 27, 1939.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Chile, notice of intention to negotiate which has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, November 11, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Street NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on November 27, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 2nd day of October 1939.

JOHN P. GREGG,
Secretary.

OCTOBER 2, 1939.

List of Products on Which the United States Will Consider Granting Concessions to Chile

NOTE: The rates of duty or tax indicated are those now applicable to products of Chile.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, and to the appropriate section of the Internal Revenue Code. The descriptive phraseology is, however, in some cases limited to a narrower field than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty
52	Spermaceti wax	2½¢ per lb.[1]
735	Apricots, green, ripe, or in brine	½¢ per lb.
742	Grapes in bulk, crates, barrels, or other packages	25¢ per cubic foot of such bulk or the capacity of the packages, according as imported.[2]
745	Peaches (including nectarines), green, ripe, or in brine	½¢ per lb.
748	Plums, prunes, and prunelles, green, ripe, or in brine	½¢ per lb.
749	Pears, green, ripe, or in brine	½¢ per lb.
752	Melons (except watermelons) in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for.	35% ad valorem.

[1] This rate was reduced from 3½¢ per lb. to 2½¢ per lb. pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.

[2] Rate on hothouse grapes bound against increase pursuant to the trade agreement with Belgium, effective May 1, 1935.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty
765	Beans, not specially provided for, dried	3¢ per lb.
767	Lentils	½¢ per lb.
769	Chickpeas or garbanzos, dried	1¾¢ per lb.
770	Onions	2½¢ per lb.
770	Garlic	1½¢ per lb..
1611	Argols, tartar, and wine lees, crude or partly refined, containing less than 90 per centum of potassium bitartrate.	Free.
1611	Calcium tartrate, crude	Free.
1658	Copper ore; regulus of, and black or coarse copper, and cement copper; old copper, fit only for remanufacture, copper scale, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for.	Free (subject to import tax of 4¢ per lb. of copper content under Sec. 3425, Int. Rev. Code; see below).
1669	Drugs which are natural and uncompounded and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol:	
	Soap bark or quillaya	Free.
1681	Furs and fur skins, not specially provided for, undressed:	
	Sheep and lamb	Free.[3]
	Nutria	Free.
1685	Guano	Free.
1685	Substances consisting chiefly of sodium nitrate and potassium nitrate, used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.	Free.
1698	Iodine, crude	Free.
1700	Iron ore, including manganiferous iron ore	Free.
1765	Sheep and lamb skins, raw	Free.
1766	Sodium nitrate, crude or refined	Free.
1766	Sodium sulphate, crude, or crude salt cake	Free.
1777	Sulphur in any form, and sulphur ore, such as pyrites or sulphide of iron in its natural state, and spent oxide of iron, containing more than 25 per centum of sulphur.	Free.[4]

[3] Duty-free status bound against change pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.
[4] Free status of sulphur in any form bound against change pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.

Internal Revenue Code section	Description of article	Present rate of import tax
3425	Copper-bearing ores and concentrates and articles provided for in paragraph 316, 380, 381, 387, 1620, 1634, 1657, 1658, or 1659 of the Tariff Act of 1930.	4¢ per lb. on the copper contained therein.
	Provided, That no tax under I. R. C., Sec. 3425 shall be imposed on copper in any of the foregoing which is lost in metallurgical processes	
	Provided further, That ores or concentrates usable as a flux or sulphur reagent in copper smelting and/or converting and having a copper content of not more than 15 per centum, when imported for fluxing purposes, shall be admitted free of said tax in an aggregate amount of not to exceed in any one year 15,000 tons of copper content	
	All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this item, in which copper (including copper in alloys) is the component material of chief value	3¢ per lb.
	All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this item, containing 4 per centum or more of copper by weight	3% ad valorem or ¾¢ per lb., whichever is the lower.

[F. R. Doc. 39-3675; Filed, October 5, 1939; 9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

Application of the Cotton Textile Institute and Sundry Other Parties for Permission to Employ Learners in the Textile Industry at Wage Rates Less Than the Applicable Minimum Specified

NOTICE OF RECONVENED HEARING

Whereas, applications have been made by the Cotton Textile Institute and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations—Part 522, as amended, (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act)—issued by the Administrator thereunder for permission to employ learners in the textile industry at wages less than the minimum wage applicable under Section 6 of the Act; and

Whereas, after due notice,[1] a public hearing was held on these applications in Washington, D. C., on November 28, 29 and 30, 1938 before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing and to determine:

(a) What, if any, occupation or occupations in the textile industry require a learning period; and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion, and length of service; and

Whereas, new applications by representatives of certain branches of the textile industry, whose original applications were withdrawn following the aforesaid hearing, have been received; and

Whereas, it appears advisable that the aforesaid hearing be reopened for the purpose of considering the necessity, if any, of employing learners at subminimum wage rates in the textile industry, as defined below, or any branch thereof, under the minimum wage rates of 30 cents and 32½ cents an hour to become effective October 24, 1939;

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on October 12, 1939, at 10 a. m. in Room 208, 939 D Street NW., Washington, D. C., and Merle D. Vincent is hereby designated as presiding officer to conduct the said reopened hearing, to take further testimony for the purpose of determining and to determine under the minimum wage rates applicable October 24, 1939:

(a) What, if any, occupation or occupations in the textile industry, or branch thereof, require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the textile industry, or branch thereof, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the textile industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period.

As used in this notice, the term "textile industry" is defined to mean:

I. The following operations which constituted the definition of the term in the original notice of hearing (published in the Federal Register, November 10, 1938):

(a) the manufacturing or processing of yarn or thread and all processes preparatory thereto, and manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, wool, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) the manufacturing of batting, wadding or filling and the processing of

[1] 4 F.R. 2671 DI.

waste from the fibers enumerated in clause (a);

(c) the manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) the manufacturing or finishing of braid, net or lace from any fiber or yarn;

(e) the manufacturing of cordage, rope or twine from any fiber, and

II. Any other operations which are subject to the Textile Minimum Wage Order effective October 24, 1939.

At this reopened hearing opportunity to present evidence relevant to the above questions will be afforded any interested person provided the presiding officer, Merle D. Vincent, shall have received from such person prior to noon, October 11, 1939, a notice of intention to appear setting forth his name and address, and specifying the branch or branches of the textile industry to which his testimony will be directed and the approximate length of such presentation.

Signed at Washington, D. C., this 5th day of October 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3684; Filed, October 5, 1939; 12:40 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Brown Bros. Hosiery Mills, 1208 Second Street, Hickory, North Carolina.

Camilla Hosiery Company, Hawley, Pennsylvania (5 learners).

Clementon Hosiery Mill, Clementon, New Jersey (5 learners).

Columbine Knitting Mills, Inc., Church Street, Columbia, Mississippi.

Conover Knitting Company, Conover, North Carolina.

Cormier Hosiery Mills, Laconia, New Hampshire (1 learner).

Crescent Hosiery Mills, Niota, Tennessee (8 learners).

Elkton Finishing Company, Elkton, Maryland (5 learners).

Ellis Hosiery Mills, Hickory, North Carolina.

Fleetwood Hosiers Limited, Walnut and Locust Streets, Fleetwood, Pennsylvania (5 learners).

Fleetwood Hosiery Corporation, Main Street, Fleetwood, Pennsylvania (5 learners).

G. and H. Hosiery Co., Inc., Hickory, North Carolina.

H. R. H. Silk Hosiery Mills, Inc., Moberly, Missouri (5 learners).

H. R. H. Silk Hosiery Mills of Illinois, Quincy, Illinois (5 learners).

Halifax County Hosiery Mills, Scotland Neck, North Carolina.

Hiwassee Mill, 3118 Edwards Street, Cleveland, Tennessee (5 learners).

Juvenile Hosiery Mills, Inc., Greensboro, North Carolina (5 learners).

Knit Sox Hosiery Mill, Hickory, North Carolina (5 learners).

Leesburg Hosiery Mill, Leesburg, New Jersey (5 learners).

Narvin Hosiery Mill, Church Street, Lincolnton, North Carolina (5 learners).

Milton Hosiery Company, Inc., Milton, Delaware (5 learners).

Ripon Knitting Works, Ripon, Wisconsin (5 learners).

Star Hosiery Mills, Inc., Conover, North Carolina (5 learners).

Talbot Hosiery Mill, Washington Street, Easton, Maryland (5 learners).

Terry Hosiery Mills, 600 South Hamilton Street, High Point, North Carolina (1 learner).

Unique Knitting Co., Acworth, Georgia.

Walton Hosiery Mills, Inc., Fourth Street, Statesville, North Carolina (4 learners).

Willard Hosiery Mills, Inc., Dublin, Pennsylvania (2 learners).

Winsted Hosiery Company, The, 196 Holabird Avenue, Winsted, Connecticut (6 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3688; Filed, October 5, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, to June 6, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

Name and address of firm	Number of learners	Expiration date
Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina	35	Feb. 1, 1940
Auburn Hosiery Mills, Auburn, Kentucky	9	Jan. 1, 1940
Chalfont Hosiery Mills, Chalfont, Pennsylvania	22	Feb. 1, 1940
Fead & Sons, John L., Port Huron, Michigan	16	
Glen Raven Knitting Mills, Inc., Glen Raven, North Carolina	19	Feb. 1, 1940
Infants Socks, Inc., Eufaula, Alabama	50	
Infants Socks, Inc., Middletown, Pennsylvania	37	
Jackson Hosiery Mill, Jackson, Missouri	24	Dec. 15, 1939
Lawler Hosiery Mills, Carrollton, Georgia	24	
Oscar Nebel Company, Inc., Verona, Virginia	37	Apr. 15, 1940
Pacolet Knitting Company, Tryon, North Carolina	35	
Portage Hosiery Company, Portage, Wisconsin	16	
Shenandoah Knitting Mills, Inc., Shenandoah, Virginia	54	Feb. 29, 1940
Silkay Hosiery Mills, Allentown, Pennsylvania	10	
Supreme Hosiery Company, Jersey Shore, Pennsylvania	18	
United Silk Mills Co., Northumberland, Pennsylvania	13	
Van Raalte Company, Inc., Blue Ridge, Georgia	75	
Vestal Mills, Inc., Athens, Tennessee	16	
Virginia Maid Hosiery, Pulaski, Virginia	20	
Wytheville Knitting Mills, Inc., Wytheville, Virginia	8	

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days

following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3689; Filed, October 5, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, subject to the following terms and to the additional terms and conditions indicated opposite the employer's name:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM AND ADDITIONAL TERMS AND CONDITIONS

Doylestown Finishing Company, Doylestown, Pennsylvania: For 5 learners up to September 18, 1940, and 31 additional learners up to February 1, 1940.

Graysville Hosiery Mill, Dayton, Tennessee: For 5% of factory employees until September 18, 1940, and an additional 11 learners until February 15, 1940.

Gouverneur Hosiery Mills, Gouverneur, New York: For 5% of factory employees until September 18, 1940, and an additional 18 learners until February 29, 1940.

Hellam Hosiery Company, Hellam, Pennsylvania: For 5 learners up to September 18, 1940, and 11 additional learners up to February 1, 1940.

Karolen Knitting Mills, Inc., Shelby, North Carolina: For 5 learners up to September 18, 1940, and 19 additional learners up to January 15, 1940.

Waldridge Knitting Company, Helena, Arkansas: For 5 learners up to September 18, 1940, and 16 additional learners up to February 15, 1940.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3690; Filed, October 5, 1939; 12:52 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT; CITY OF AKRON, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT; IN THE MATTER OF HOPE NATURAL GAS COMPANY; PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT

ORDER FIXING DATE OF HEARING

OCTOBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) In Docket No. G-100, on July 6, 1938, the City of Cleveland, Ohio, and in Docket No. G-101, on July 25, 1938, the City of Akron, Ohio, filed complaints with the Commission against the Hope Natural Gas Company, alleging that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company, an affiliated company, for natural gas sold and delivered at the Ohio River for resale to domestic, commercial and small industrial consumers in the cities of Cleveland and Akron and elsewhere, is excessive, unjust, unreasonable, greatly in excess of the price charged by the Hope Natural Gas Company to non-affiliated companies at wholesale for resale to domestic, commercial, and small industrial consumers, and greatly in excess of the price charged by Hope Natural Gas Company to The East Ohio Gas Company for resale to certain favored industrial consumers in Ohio and therefore unduly discriminatory between customers and between classes of service. Said complaints prayed for an investigation by this Commission and a finding that the price charged The East Ohio Gas Company by the Hope Natural Gas Company for gas sold and delivered at the Ohio River is excessive, unreasonable, and unjustly discriminatory, and for the fixing of a just, fair and reasonable rate;

(b) On August 18, 1938, and August 26, 1938, the Hope Natural Gas Company filed its answers to the complaints of the City of Cleveland and the City of Akron in Docket No. G-100 and Docket No. G-101, respectively, in which it denied that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company for natural gas for resale to domestic, commercial, and small industrial consumers is excessive, unreasonable or discriminatory;

(c) In Docket No. G-113, on October 14, 1938, the Commission, on its own motion, adopted an order instituting an investigation of the Hope Natural Gas Company for the purpose of enabling the Commission (1) to determine, with respect to said company, whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rate, charge, or classification demanded, observed, charged or collected or any rule, regulation, practice or contract affecting such rate, charge, or classification, is unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission shall find that any such rate, charge, classification, rule, regulation, practice or contract is unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable and non-discriminatory rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

(d) Said order instituting an investigation was duly served upon the Hope Natural Gas Company and was received by said company on October 15, 1938;

(e) In Docket No. G-127, on March 23, 1939, the Pennsylvania Public Utility Commission filed a complaint with the Commission against the Hope Natural Gas Company, alleging that the prices charged by the Hope Natural Gas Company to The Peoples Natural Gas Company, the Fayette County Gas Company and The Manufacturers Light and Heat Company, for natural gas sold and delivered at points on the Pennsylvania-West Virginia state line for resale in the State of Pennsylvania, are unlawful, excessive, unreasonable and discriminatory, and said complaint prays for an investigation by this Commission of said prices and for the fixing of just, fair and reasonable rates;

(f) On April 25, 1939, the Hope Natural Gas Company filed its answer to the complaint of the Pennsylvania Public

Utility Commission in Docket No. G–127, in which it denied that the prices charged by the Hope Natural Gas Company to The Peoples Natural Gas Company, the Fayette County Gas Company and The Manufacturers Light and Heat Company are unlawful, excessive, unreasonable and discriminatory;

(g) Hope Natural Gas Company has in course of preparation a restatement of the cost of its property and plant and representatives of the Commission have been informed that such restatement studies are substantially completed and will be entirely completed within a comparatively short time;

The Commission orders that:

(A) A public hearing in these proceedings be held commencing on December 4, 1939, at ten o'clock a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., and at said public hearing, pursuant to the provisions of Sec. 50.63 of the Provisional Rules of Practice and Regulations Under the Natural Gas Act, the order of procedure will be for the Hope Natural Gas Company to open and close these proceedings with the presentation of its evidence relevant and material to the question whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rate, charge, or classification demanded, observed, charged or collected by said Hope Natural Gas Company, or any rule, regulation, practice or contract affecting such rates, charge, or classification, is unjust, unreasonable, unduly discriminatory, or preferential;

(B) Docket Nos. G–100, G–101, G–113 and G–127 be and they are hereby consolidated for purposes of hearing thereon;

(C) Hope Natural Gas Company is hereby requested to submit at said hearing the restatement of the cost of its property and plant mentioned in paragraph (g) of this order.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39–3671; Filed, October 5, 1939; 9:54 a. m.]

[Docket No. IT–5584]

IN THE MATTER OF BELLOWS FALLS HYDRO-ELECTRIC CORPORATION AND CONNECTICUT RIVER POWER COMPANY

ORDER CHANGING PLACE OF HEARING

OCTOBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon further consideration by the Commission, and it appearing that the convenience of witnesses and parties will be served and the conduct of the hearing expedited by the change in the place of hearing as hereinafter provided;

The Commission orders:

The hearing heretofore set by the Commission's order of September 22 [1] in the above entitled proceedings to be held in the Commission's Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C., beginning at 10 o'clock a. m. October 23, 1939, be held beginning at the same time in Room 336 in the Post Office and Court House Building, Springfield, Massachusetts.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39—3672; Filed, October 5, 1939; 9:54 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

[Docket No. 3903]

IN THE MATTER OF NATIONAL GRAIN YEAST CORPORATION, RESPONDENT

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and for Other Purposes" (U.S.C. Title 15, Section 13 of the Clayton Act) as amended, and by virtue of said authority vested in it by said acts, the Federal Trade Commission, having reason to believe that National Grain Yeast Corporation, hereinafter referred to as respondent, has violated the provisions of said Federal Trade Commission Act and subsections (a) and (c) of Section 2 of said Clayton Act as amended, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

Count I

PARAGRAPH 1. National Grain Yeast Corporation is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 810 Mill Street, Belleville, New Jersey.

PAR. 2. Respondent, since June 19, 1936, has been and now is engaged in the manufacture, sale and distribution of bakers' yeast. In the course and conduct of such sale and distribution it causes said yeast to be shipped and transported in commerce from its plant in the State of New Jersey to the purchasers thereof in and among the various states of the United States, and there is and has been at all times herein mentioned a current of trade and commerce in respondent's yeast between the state wherein respondent's plant is located and various other states of the United States.

PAR. 3. Said respondent in the course and conduct of its business since June 19, 1936, has been and is now in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of manufacturing, selling and distributing bakers' yeast in commerce.

PAR. 4. In the course and conduct of its business as aforesaid the respondent has been and now is discriminating in price between different purchasers of its said product of like grade and quality, by giving and allowing certain purchasers of bakers' yeast used in the manufacture of bread and allied products, different prices than given or allowed other of its said purchasers competitively engaged one with the other, in the sale and distribution of bread and allied products within the various states of the United States. To illustrate, during the year of 1937 respondent sold 208,400 pounds of bakers' yeast to Krug Baking Company, 138 94th Avenue, Jamaica, Long Island, New York, at 11 cents per pound, and during the same period sold Dugan Brothers, 222nd Street and 98th Avenue, Queens, Long Island, New York, a competitor, 329,850 pounds of bakers' yeast at 10 cents per pound, less 1%, thus affording the last mentioned purchaser a saving of $3,628.35 during said period, upon the basis of the price charged the first mentioned purchaser. Also during the same period respondent sold Mersels Darling Bread Company, 565 Barry Street, Bronx, New York, 23,420 pounds of bakers' yeast at 13 cents per pound, and sold Pechter Baking Company, 173rd Street and Park Avenue, Bronx, New York, a competitor, 40,927 pounds of bakers' yeast at 11 cents per pound, thus affording the last mentioned purchaser a saving of $818.54 during said period, upon the basis of price charged to first mentioned purchaser.

PAR. 5. Further discrimination in price between different competing purchasers of its products is brought about as a result of respondent delivering large quantities of bakers' yeast to certain of its purchasers for which no specific charge is made, in addition to yeast actually sold and delivered to these same purchasers for which a specific price is charged, thus reducing the cost to said favored customers of the yeast actually purchased, while at the same time other purchasers competitively engaged in the sale of bread and allied products with the said favored purchasers and paying the same price per pound for said product, are not furnished such additional yeast. To illustrate, during the month of November, 1936, Saperstein, 676 Allerton Avenue, Bronx, New York, purchased 350 pounds of yeast at

[1] 4 F.R. 4043 DI.

13 cents per pound and in addition to said purchased yeast respondent delivered 290 pounds of yeast for which no charge was made, while during the same period Lang's, 691 Allerton Avenue, Bronx, New York, a competitor, purchased 342 pounds of bakers' yeast at 13 cents per pound and respondent delivered no additional yeast to said purchaser without charge.

PAR. 6. Respondent further discriminates in price between competing purchasers by granting cash discounts of 1% to 2% to certain of its purchasers which are not granted to others who pay in the same manner and within the same time as those receiving such discounts.

PAR. 7. The effect of such discrimination in price as set forth in Paragraphs Four, Five, and Six hereof has been or may be substantially to lessen competition in the line of commerce in which respondent and its competitors are engaged, and may be to injure, destroy or prevent competition in the sale and distribution of bread and allied products between those of respondent's purchasers who receive the benefits of such discriminations and competing purchasers who do not receive such benefits.

PAR. 8. The foregoing alleged acts and practices are in violation of Subsection (a) of Section 2 of the Clayton Act as amended.

Count II

PARAGRAPH 1. The allegations of Paragraphs One, Two and Three of Count I are hereby incorporated as though fully set forth.

PAR. 2. In the course and conduct of its business as aforesaid, respondent pursues a policy and practice of contracting with various bakers' associations under the terms of which contracts the said respondent sells its bakers' yeast to the members of said associations at prices fixed in said contracts and makes monthly payments to said associations of a commission or brokerage upon the sales to said members; that said payments so made inure to the benefit of the members of said associations through the payment of dividends to the members by the associations; that no services of any sort or character are rendered by said associations to respondent in connection with such sale or purchase of said yeast.

PAR. 3. The foregoing alleged acts and practices are in violation of subsection (c) of Section 2 of the Clayton Act, as amended.

Count III

PARAGRAPH 1. The allegations of Paragraphs One, Two and Three of Count I are hereby incorporated as though fully set forth.

PAR. 2. In the course and conduct of its business respondent during a period of more than three years last past has systematically given and offered to give gratuities consisting of liquor, cigars, meals, money, and other personal property and entertainment of various kinds to employees of bakers, both its customers and prospective customers and its competitors' customers and prospective customers, secretly and without the knowledge and consent of their employers, with the design and purpose of inducing said employees to purchase respondent's product and to refrain from purchasing the product of its competitors or to induce said employees to influence their respective employers to purchase the product of respondent and to refrain from purchasing that of respondent's competitors.

PAR. 3. The acts and practices of respondent as herein set forth are calculated to and have the capacity and tendency to induce the purchase of respondent's product by various bakers and have tended to divert trade and have diverted trade from competitors of respondent, to the respondent herein.

PAR. 4. The aforesaid acts and practices of the respondent are all to the prejudice and injury of the public and of respondent's competitors and constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Whefefore, the premises considered, the Federal Trade Commission, on this 29th day of September, A. D., 1939, issues this, its complaint, against said respondent.

NOTICE

Notice is hereby given you, National Grain Yeast Corporation, respondent herein, that the 3rd day of November, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3679; Filed, October 5, 1939; 10:45 a. m.]

RAILROAD RETIREMENT BOARD.

IN THE MATTER OF THE EMPLOYER STATUS OF DESPATCH SHOPS, INCORPORATED, AND OF THE EMPLOYEE STATUS OF THE INDIVIDUALS ENGAGED IN ITS OPERATIONS

NOTICE OF HEARING

Notice is hereby given to all persons interested that under the authority of Board Order No. 39-622, dated October 3, 1939, a hearing will be held beginning October 19, 1939, at 10:00 A. M., in Rochester, New York, at an address to be announced, at which time evidence concerning the question of the employer status under the Railroad Retirement Act and the Railroad Unemployment In-

surance Act, of Despatch Shops, Incorporated, and the question of the employee status under the Acts of the individuals engaged in the operations of that company, will be received by me.

JOSEPH A. FANELLI,
Examiner.

Dated, October 4, 1939.

[F. R. Doc. 39-3669; Filed, October 4, 1939; 3:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of October 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR, AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER APPROVING ACQUISITION OF BONDS

Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, Debtor, a registered holding company and its subsidiary, Central States Power & Light Corporation, also a registered holding company, having filed a joint application and amendments thereto pursuant to Rule U-12C-1 for approval of the acquisition by Central States Power & Light Corporation of, not to exceed, $2,576,900 principal amount of its outstanding First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, such bonds to be acquired by tenders at a fixed price of 72 plus accrued interest;

The hearing on such matter having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein;

It is ordered, That in accordance with and for the purposes represented in the application as amended the acquisition by Central States Power & Light Corporation of its First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, be, and the same hereby is, approved subject to the following terms and conditions:

(a) That the offer to accept tenders shall expire 20 days from the date of mailing of the literature in which the offer to accept tenders and solicitation of acceptance thereof is made; or, in lieu thereof in the case of bondholders residing in foreign countries, within 20 days of publication of notice thereof in such foreign country;

(b) That the offer to accept tenders shall prescribe that tenders shall be made in the names of the actual holders of the bonds;

(c) That where physical delivery of the bonds within the stated tender period is impossible, that a guarantee of delivery by any bank or trust company in the United States shall be deemed to fulfill the requirement;

(d) That Charles True Adams and Central States Power & Light Corporation shall mail notice to every known holder of Central States Power & Light Corporation's First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, and may cause such notice to be published in this or foreign countries, advising of the offer to accept tender, and simultaneously shall make, or cause to be made, to such bondholders such disclosures as may be necessary or desirable for the purpose of enabling the bondholders to determine whether or not to tender at the price of 72 plus accrued interest: *Provided, however*, that Charles True Adams and Central States Power & Light Corporation shall submit to the Commission, at least 3 days prior to mailing or publication of notice, true copies of all the literature and advertisements used in connection with the making of the offer and solicitation of acceptances thereof, and within such period the Commission reserves the right to order Charles True Adams and Central States Power & Light Corporation to make such changes as it considers necessary in the public interest and the interest of investors;

(e) That in the event the applicants consider it necessary or desirable to solicit acceptances of the tender offer by the holders of Central States' bonds who do not respond to the written literature, they may employ representatives for the purpose of soliciting in person such acceptances: *Provided, however*, that such representatives must be paid on a straight salary basis and that the names of such representatives and copies of the instructions given to them shall be filed with the Commission;

(f) That Central States Power & Light Corporation utilize the bonds acquired pursuant to such tenders solely for the purpose of withdrawing from the trustee under the Mortgage securing such bonds cash equal to the principal amount of bonds surrendered for cancellation (the aggregate of such cash withdrawals by the surrender of bonds in no event to exceed 72% of the principal amount of the bonds acquired pursuant to such tender) and hold the balance of the bonds so acquired in its treasury cancelled or uncancelled: *Provided, however*, that Charles True Adams or Central States Power & Light Corporation may apply for modification or elimination of this condition at any future time;

(g) That the applicants file with this Commission a Certificate of Notification within 10 days after the closing date of the acceptance of tender, stating that the transaction has been consummated in accordance with the terms and conditions of the order of this Commission; and

(h) That the Commission reserve jurisdiction for the purpose of passing upon the matters required to be passed upon by the foregoing conditions and for the purpose of passing upon any other questions subject to its jurisdiction that may arise in connection with the tender offer and solicitation of acceptances thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3681; Filed, October 5, 1939; 11:26 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, SEPTEMBER 30, 1939

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands	9	0
2. Puerto Rico	620	44
3. Hawaii	148	17
4. California	2,281	798
5 Alaska	24	9
6. Texas	2,340	933
7. Michigan	1,946	925
8. Louisiana	844	404
9. Arizona	175	89
10. New Jersey	1,624	877
11. South Carolina	699	404
12. Ohio	2,670	1,613
13. Mississippi	807	493
14. Oklahoma	963	593
15. Alabama	1,063	660
16. Arkansas	745	475
17. New Mexico	170	110
18. Georgia	1,169	768
19. Kentucky	1,050	707
20. North Carolina	1,274	892
21. Tennessee	1,051	811
22. Illinois	3,066	2,365

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
23. Wisconsin	1,181	926
24. Connecticut	646	519
25. Delaware	96	84
26. Indiana	1,301	1,141
27. Nevada	37	33
28. Oregon	383	344
29. Florida	590	543
30. Idaho	179	166
31. New Hampshire	187	176
32. Pennsylvania	3,870	3,734
33. New York	5,058	4,926
34. Wyoming	91	90
35. Massachusetts	1,707	1,691
36. Maine	320	318
37. Colorado	416	414
38. West Virginia	695	693
39. Missouri	1,458	1,455
40. Washington	628	627

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
QUOTA FILLED			
IN EXCESS			
41. Vermont	144	146	0
42. Utah	204	214	+11
43. Montana	216	228	−4
44. Kansas	756	810	−8
45. Rhode Island	276	301	−4
46. North Dakota	274	305	−5
47. South Dakota	278	310	−1
48. Iowa	993	1,126	−10
49. Minnesota	1,030	1,170	−5
50. Nebraska	554	683	−1
51. Virginia	973	2,036	−1
52. Maryland	655	2,059	+13
53. Dist. of Col	196	8,873	−12

GAINS	
By appointment	64
By reinstatement	4
By transfer	19
Total	87
LOSSES	
By separation	80
By transfer	42
By correction	1
Total	123
Total appointments	50,129

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,596.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 39-3670; Filed, October 5, 1939; 9:25 a. m.]